

Draft to Clerk:
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**MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
April 12, 2007 7:30 P.M.
CITY COUNCIL CHAMBERS, 10TH FLOOR CITY HALL**

I. ROLL CALL

The meeting was called to order by Chairman Burgess at 7:30 p.m. Chairman Burgess read the BZA introduction. Roll call was taken.

Present:

B. Burgess
G. Hilts

M. Mayberry

G. Swix

B. McGrain

A. Frederick

Absent:

F. Lain

E. Horne

Staff:

S. Stachowiak

- A. A quorum of at least five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

B. McGrain moved, seconded by A. Frederick to approve the agenda with the addition of "excused absences" under new business.

On a voice vote, the motion carried 6-0.

III. HEARINGS/ACTION

A. BZA-3898.07, 2004 S. Pennsylvania Avenue

This is a variance request by Bruce Jones. The applicant has constructed a driveway that is 18 feet wide in the front yard at 2004 S. Pennsylvania Avenue. Section 1286.01 of the Zoning Ordinance restricts the width of a residential driveway to 12 feet for a home that has a one-car, 12 foot wide garage. A variance of 6 feet to the allowable driveway width is therefore, being requested. Staff recommended denial of the request on a finding that the variance would be inconsistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Bruce Jones, 5518 Bennington, stated that it was always his intent to have a 2-car driveway because the house is not marketable with a one-car driveway.

Mr. Hilts asked if Mr. Jones has experience building houses in the City of Lansing.

Mr. Jones stated that this is his first single family home and he did not find out about the violation until the driveway was already installed. He said that he made a phone call to ask if a permit was needed for the driveway and he was told "no". He said that the curb cut

already existed. He also said that he had some problems with a contractor that did some of the utility work on the site.

Mr. Frederick asked what the site plan showed that was submitted to the city?

Mr. Jones stated that it showed a 12-foot wide driveway, but that he did not know that would be limited to 12-feet.

Charlotte Byers, 2008 S. Pennsylvania, stated that she lives immediately south of Mr. Jones property. Ms. Byers stated that Mr. Jones should have made himself familiar with the city codes relative to driveway widths. She also said that she has had other problems with the condition of Mr. Jones's property as well.

Mr. Burgess stated that the Board of Zoning Appeals is only dealing with the driveway issue.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Frederick stated that there is a similar situation at 2614 Cavanaugh that needs to be corrected. He also said that this is a nice looking house but the driveway situation as it currently exists could be hazardous because the vehicles block the view of traffic when pulling out of the driveway. He said that it is not that much of an inconvenience to jockey cars around and since this is a front yard parking situation, he cannot support the variance.

Mr. McGrain stated that the driveway/parking ordinance needs to be revisited by the Planning Board to determine if it is adequate or if changes are needed.

Mr. Hilts asked that Ms. Stachowiak familiarize Mr. Jones and the contractor that installed the driveway with the city codes.

A. Frederick moved to deny BZA-3898.07, a variance of 6 feet to the allowable driveway width for the property at 2004 S. Pennsylvania Avenue, on a finding that the variance would be inconsistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application, with the condition that the curb cut be narrowed to 12 feet and driveway be brought into compliance with the ordinance before a certificate of occupancy is issued for the house. Seconded by G. Hilts.

VOTE	YEA	NAY
Swix	X	
Mayberry	X	
Hilts	X	
McGrain	X	
Frederick	X	
Burgess	X	

Motion carried, 6-0, BZA-3898.07, was denied.

B. BZA-3899.07, 2115 Harding Avenue - Withdrawn

C. BZA-3900.07, Vacant Lot, North of 3228 Everett Lane

This is a variance request by Fredric McLaughlin. The applicant is proposing to construct a new single family home on the vacant lot located directly north of 3228 Everett Lane that would have an 18 foot setback at its nearest point to the front lot line and a 14.5 foot setback at its nearest point to the rear lot line. Section 1248.07 of the Zoning Ordinance requires a 20 foot front yard setback and Section 1248.09 requires a 30 foot rear yard setback. Variances of 2 feet to the required front yard setback and 15.5 feet to the required rear yard setback are therefore, being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Fred McLaughlin, 222 W. Kalamazoo Street, spoke in support of his request. Mr. McLaughlin stated that he would like to have a unique, environmentally friendly design. He said that he would like to have the house situated further to the north in order to maintain privacy, not only for himself but for the neighbor to the south as well.

Mr. McGrain asked about a garage?

Mr. McLaughlin stated that he is not interested in building a garage at this time, but that he may want to construct a carport as some point in the future. Mr. McLaughlin said that the house will be in two parts so that it is not confining and to provide a screened area for him to sleep in the summer.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. McGrain stated asked Ms. Stachowiak if a house could be constructed on the subject property, without a variance.

Ms. Stachowiak answered "yes".

Mr. Frederick stated that the applicant has to except the conditions of the lot and modify his plans accordingly. He said that while Mr. McLaughlin may not be able to have the exact design that he wants, he can still construct a good sized single family home on the site in compliance with, or very close to the setback requirements. He said that if the variance were reduced, he may be willing to reconsider, but as it currently stands, he cannot support the variance.

Mr. Hilts stated that it is a self-created hardship because the need for the variance is all based upon the particular design that the applicant wants.

Mr. McGrain agreed stating that he would like to see a revised design that minimizes the variances needed.

B. McGrain moved to table BZA-3900.07. Seconded by A. Frederick.

On a voice vote, the motion carried, 6-0. BZA-3900.07, was tabled.

D. BZA-3901.07, 4613 N. Grand River Avenue

This is a variance request by Signworks of Michigan, Inc. The applicant is proposing to erect an 18.2 square foot sign on the front wall of the building at 4613 N. Grand River Avenue. Section 1442.26(c) of the Sign Ordinance permits each business in a shopping center to have 1 wall sign, the area of which is determined by the linear footage of the portion of the building that the establishment occupies. The proposed sign will be associated with a business that already has one wall sign on the back of the building and occupies no portion of the front wall of the building. A variance to the allowable number, size and placement of a wall sign for the shopping center at 4613 N. Grand River Avenue is therefore, being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Ann Frask, Signworks, Inc., spoke in support of her request. She said that not having a sign is a hardship for the business. She also said that the size of the sign is reasonable and it is necessary in order for traffic to be able to easily identify the business.

Mr. Swix stated that the sign will be on the front of the building but the entrance to the business is on the back. He asked how customers will know where to go.

Ms. Frask stated that there is a small identification sign on the back of the building near the entrance. She also said that the barber shop will direct people where to go.

Mr. McGrain asked how long the business has been at this location.

Ms. Frask said 8 months.

Valerie Clevely, 431 Potter Street, Mulliken, owner of Staffing Inc., spoke in support of her request. Ms. Clevely said that the biggest issue right now is getting people to the site. She said that without a sign on the building, people have had a hard time finding it. Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Hilts stated that this is first time that he has seen this situation in all the years he has been on the Board. Therefore, it is unique.

Mr. McGrain said that he is surprised that a commercial building would have a suite that is entirely on the back of the building. He stated that he could support this variance.

G. Hilts moved to approve BZA-3901.07, a variance to permit one, 18.2 square foot wall sign on the front of the building at 4613 N. Grand River Avenue, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by A. Frederick.

VOTE	YEA	NAY
Swix	X	
Mayberry		X
Hilts	X	

VOTE	YEA	NAY
McGrain	X	
Frederick	X	
Burgess	X	

Motion carried, 5-1, BZA-3901.07, was approved.

VI. OLD BUSINESS

A. Rules of Procedure - No action

B. BZA-3817.04, 1014 S. Pennsylvania Avenue - No action

VII. PUBLIC COMMENT

Bruce Jones, 5518 Bennington, stated that there are no safety issues with the widened driveway. He said that there is plenty of room to see before back out onto the street.

Mr. Hilts stated that the actual issue is the front yard parking.

Mr. Burgess stated that the decision of the BZA can be appealed to the Circuit Court.

Mr. Frederick stated that even if it is not a safety issue, he still could not support the variance because Mr. Jones went against the site plan that was submitted as part of the building permit application.

Fred McLaughlin, 222 W. Kalamazoo Street, stated that while the house may be able to fit on the site without a variance, it would not make for the best situation as it would diminish the privacy for himself and the neighbor to the south.

Mr. Burgess stated that the Board is bound by the law which requires a finding of practical difficulty before granting a variance.

Mr. Swix stated that the Board has to treat everyone fairly.

Mr. Frederick stated that the Planning Board will be working on architectural guidelines and there would be language included that dealt with site design as well.

VIII. APPROVAL OF MINUTES

A. Minutes of Regular Meeting held March 8, 2007

B. McGrain moved, seconded by A. Frederick to approve the minutes of March 8, 2007, as printed. On a voice vote, the motion carried unanimously, 6-0.

IX. NEW BUSINESS

A. Excused Absences

B. McGrain moved, seconded by G. Hilts to excuse Emly Horne from this meeting, April 12, 2007. On a voice vote, the motion carried unanimously, 6-0.

A. Frederick moved, seconded by G. Hilts to excuse Frank Lain from this meeting, April 12, 2007. On a voice vote, the motion carried unanimously, 6-0.

X. ADJOURNMENT AT 8:45 p.m.

Respectfully submitted,

Susan Stachowiak, Zoning Administrator